



SO ORDERED.

SIGNED this 23 day of May, 2018.

Stephani W. Humrickhouse

Stephani W. Humrickhouse
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION

IN RE:)	
)	
RONALD RUKOVENA, and)	Case No. 18-00480-5-SWH
JENNIFER LEE RUKOVENA,)	Chapter 13
)	
Debtors.)	

CONSENT ORDER CONDITIONALLY DENYING MOTION FOR RELIEF FROM
STAY AND TURNOVER ORDER

This matter coming on before the United States Bankruptcy Court upon the *Motion for Relief from Stay and Turnover Order* of Gateway One Lending & Finance, LLC (“Petitioner”), and with the consent of the undersigned, the Court makes the following findings of fact and enters the following order:

1. Petitioner is a party in interest in this proceeding, being the holder of a claim secured by a duly perfected security interest in a 2010 Nissan Murano, VIN No. JN8AZ1MU0AW009071 (“Collateral”).
2. Petitioner’s secured claim arises under a Retail Installment Sale Contract entered into by the female Debtor on February 6, 2017.

3. Debtors filed for relief under Chapter 13 of the Bankruptcy Code on February 1, 2018, and scheduled Petitioner's secured claim to be paid directly to Petitioner outside the Chapter 13 Plan.

4. At the time of the bankruptcy filing, the female Debtor was current on payments due under the Contract. Since the bankruptcy filing, the female Debtor has defaulted on the Contract payments due for February – May, 2018, incurring post-petition arrears in the amount of \$1,338.20. The last payment received by Petitioner was on January 18, 2018, in the amount of \$346.55, and was applied to the payment due January, 2018.

5. The female Debtor has no equity in the Collateral, and Petitioner is not adequately protected.

6. Petitioner requires relief from stay and a turnover order so that it may repossess and sell the Collateral and establish its deficiency.

7. Good cause exists for granting Petitioner relief from stay and a turnover order.

Notwithstanding the above, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. The female Debtor is to resume regular contract payments beginning with the payment due for June, 2018. In addition, the female Debtor is to make three (3) monthly cure payments of \$446.07 each, on or before June 8, 2018, July 8, 2018, and August 8, 2018.

2. If there is a default on any payments due under this Agreement within twelve (12) months, then Petitioner shall send a notice of default via electronic mail to

jprice@pricewilliamsnc.com. If the default is not cured within ten (10) days of the notice, then the stay shall be automatically lifted without further notice or hearing, and the female Debtor shall immediately deliver possession of the Collateral to Petitioner.

3. The female Debtor shall keep the automobile insurance current with Petitioner listed as the loss payee.

4. Petitioner is awarded attorney's fees in the amount of \$500.00 plus costs in the amount of \$181.00 to be paid under the Plan, and the Trustee is hereby instructed to adjust the plan payments accordingly.

WE CONSENT:

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NO OBJECTION:

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